HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13878 of 2007

Dated 02.07.2007

Between:

Thummala Venkata Shiva Nagendra Rao.

...Petitioner

and

Govt. of A.P and another.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13878 of 2007

O R D E R:

Petitioner is said to be the owner of land admeasuring 600 square yards in plot No.192 in Survey No.286 of Adavivaram Village, Visakhapatnam District. It is stated that he intended to sell the same and in that process, approached the second respondent for registration of the deed of transfer. The petitioner complains that the second respondent is not entertaining the document for registration, without furnishing any specific reasons.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Till recently, the scope of refusal to register a document was very limited. The A.P. State Legislature had introduced Section 22-A of the Registration Act 19 of 2007, which provided for several contingencies, under which the registering authority can refuse to register a document. In addition to that, Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 prohibits registration of documents in relation to assigned lands. However, unless the document is attracted by the said provisions, the registering authority cannot refuse registration. Whenever any such reasons or grounds are noticed, they must be communicated to the parties to the document, without any loss of time. Further, the authority cannot refuse to receive the document, because the actual consideration would arise, only after it is received and examined with reference to the relevant provisions. Mere receiving of document does not confer any right or lead to any change in relationship vis-à-vis the property.

Hence, the Writ Petition is disposed of, directing that the second respondent shall receive the documents, that may be presented by the petitioner, but shall examine

the same with reference to the relevant provisions of law, including Section 22-A of the Registration Act as amended through Act 19 of 2007 and Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977. In case, the lands are not covered by the said provisions, the documents shall be admitted to registration, on being satisfied about the adequacy of stamp duty and registration charges. On the other hand, if the registration is prohibited under the said provisions, the reasons shall be communicated to the petitioner, within ten (10) from the date of presentation of the documents. There shall be no order as to costs.

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02.07.2007

Note: Issue C.C. in one (1) week.

(B/o)

JSU